

Application No. 10/605,757
Responsive to Office action of February 1, 2005

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REMARKS

i. **INTERVIEW SUMMARY UNDER 37 C.F.R. §1.133 AND MPEP §713.04**

A telephonic interview in the above-referenced case was conducted on May 4, 2005, with Examiner Ho, Morgan E. Malino, and Trueman H. Denny III. The Office Action mailed on February 01, 2005 was discussed. Specifically, the rejections of independent Claims 1, 27, and 33, which in considering the proposed claims (now being presented) the Examiner indicated that the rejections under 35 U.S.C. §102(e) and/or §103(a) would be overcome. The Examiner also stated that if linking Claim 33 was amended to include all the elements of claim 27, then Claims 33 – 45 would be rejoined and examined on the merits along with Claims 1 – 32. The Applicants wish to sincerely thank the Examiner for his time and attention in this case.

Applicant thanks the Examiner for the thoughtful review of the application. The status of the claims is as follows: Claims 1 – 32 (Group I) are Pending and were elected with traverse for examination on the merits in response to a Restriction Requirement mailed on 24 November 2004; and Claims 33 – 45 (Group II) are Withdrawn from consideration as non-elected claims in the restriction requirement. In the Restriction Requirement, the Examiner stated that Claim 33 was a linking claim that linked the inventions of Groups I and II. Amendments to the claims are described below in the PRESENT AMENDMENT.

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ii. **PRESENT AMENDMENT**

Independent Claim 1 as amended herein now recites at least two of the first, second, and third conductive metal oxide layers are conductive metal oxides that are not identical to each other. Support can at least be found in Paragraphs 0071 through 0078 of the Detailed Description and FIG. 9 of the Drawings.

Independent Claim 27 as amended herein now recites that one or both of the first and second conductive metal oxide layers is doped with a dopant. Support can at least be found in Paragraph 0060, Paragraph 0065, Paragraphs 0073 through 0078, Paragraph 0080, and Paragraphs 0084 through 0085 of the Detailed Description, FIG. 9 of the Drawings, and in the second sentence of the Abstract of the Disclosure.

Independent Claim 33 as amended herein now recites a depositing of a bottom electrode, a depositing of a top electrode, and that the one or both of the top and bottom conductive metal oxide layers is doped with a dopant. Support can at least be found in Paragraphs 0034 – 0049, Paragraph 0060, Paragraph 0065, Paragraphs 0073 through 0078, Paragraph 0080, and Paragraphs 0084 through 0085 of the Detailed Description, FIG. 9 of the Drawings, and in the second sentence of the Abstract of the Disclosure.

Claim 1, Claims 5 - 6, Claim 25, Claims 27 – 29, and Claims 33 – 45 were amended as necessary to delete the word *element* in "conductive memory element" and replace it with the word "device" to provide a proper antecedent basis. Support can at least be found in the preamble to Claims 1, 27, and 33 as originally filed.

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Claims 5 and 28 were also amended to recite that the resistance of the conductive memory device can be decreased by applying a second voltage having a second polarity across the first and second electrodes. Support can at least be found in Paragraph 0006 in the **Summary of the Invention**.

Dependent **Claim 42** was amended to delete the word "first" in reference to the bottom metal oxide layer because there is no antecedent basis for a "first bottom metal oxide layer" in independent **Claim 33** from which **Claim 42** depends. Support can at least be found in **Claim 33** as originally filed.

No new matter was introduced in amending the claims.

iii. **ARGUMENT**

As amended herein, independent **Claims 1, 27, and 33** are patentably distinct, are not anticipated by, and are non-obvious in view of the prior art cited in the Office Action mailed on **February 01, 2005**. Therefore, the rejections of **Claims 1, 27, and 33** under **35 U.S.C. §102(e)** and/or **§103(a)** ought to now be withdrawn. Furthermore, all claims depending from **Claims 1, 27, and 33** are patentably distinct, are not anticipated by, and are non-obvious in view of the prior art of record. Consequently, the rejections under **35 U.S.C. §102(e)** and/or **§103(a)** of all claims depending from **Claims 1, 27, and 33** ought to now be withdrawn.

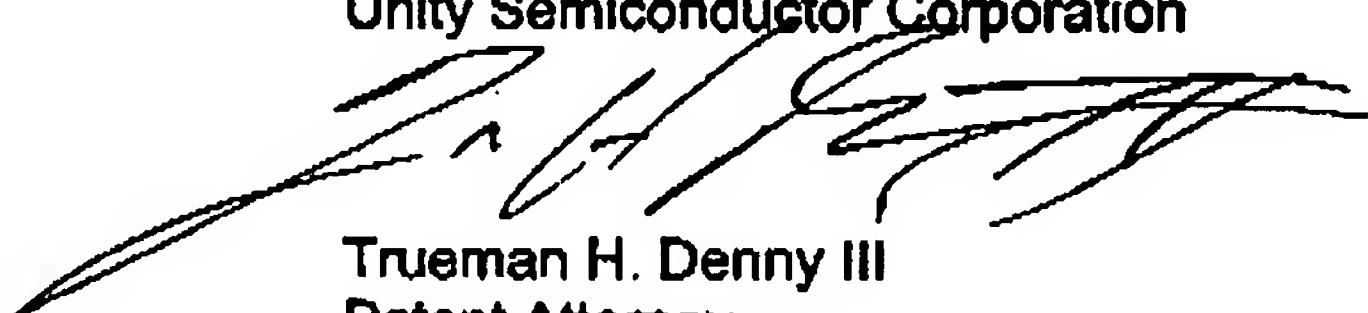
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iv. **CONCLUSION**

Applicant now believes the present case to be in condition for allowance, and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at (408) 737-7200 x124.

Respectfully submitted,
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